

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 29, 2004. Upon entry of the amendments in this response, claims 1 – 21 remain pending. In particular, Applicant has cancelled claim 3 and has amended the independent claims of the application. New claims 22-25 have been added. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Long Felt Need

There has been a need for applicant's invention since the time when Categories 3, 5, 5(e) etc. telephone cable were introduced to the communications industry. Applicant is submitting an affidavit by applicant's licensee concerning the long felt need for the invention. (Chisum On Patents, Sec. 5.05[1]; MPEP 716.04.)

Commercial Success

Applicant has licensed the invention to a producer of telephone plates. The producer has begun to manufacture the phone plates that have all the features of the patent application claims, and has begun to sell the phone plates. Since the date of filing this patent application the producer has sold several hundred thousands of the phone plates in the U.S.A. The producer has prepared an affidavit that verifies the sales of the phone plate. (Chisum On Patents, Sec. 5.05[2]; MPEP 716.03.)

Rejections Under 35 U.S.C. §103(a)

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, “[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claims 1 and 3

Claims 1 and 3 were rejected under 35 U.S.C. §103(a).

The Office Action indicates that claims 1 and 3 are rejected as being unpatentable over Weeno: How to Install a Second Phone Line Yourself, in view of U.S. patent number 4,820,193 to Noorily (“*Noorily*”). Claim 3 has been cancelled and its subject incorporated into claim 1.

With respect to claim 1, the Office Action states “Weeno discloses (on page 4 of 6) generally all that is claimed except for each conductor bearing at least one solid color... Noorily discloses each conductor 21a – 21d bearing at least one solid color that is different from the solid colors of the other conductors 21a – 21d ...” (OA p. 2, item 2).

Applicant respectfully disagrees with this analysis. Claim 1 includes:

--- with said insulation jackets [of said mounting block wire conductors] each corresponding in color with a color of one of said wires of the first cable ---said junctions each bearing a color identification the corresponds with the color of one of said wires of said second cable.

The wires of the first cable will be matched in color with the wire conductors of the plug receptacle bearing the same color, or the wires of the second cable will be matched in color with the junctions identified with the color of the wire of the second cable.

Neither Weeno nor Noorily teach or suggest this. The claimed structure provides a function not identified, either individually or in combination by these references.

The Office Action also indicates that claim 2 also stands rejected under 35 U.S.C. 103(a) as being unpatentable over Weeno and Noorily as applied to claim 1 and further in view of Applicants' admitted prior art. With respect to claim 2, the Office Action states "Weeno as modified by Noorily does not disclose that the insulation jacket of a conductor of each pair of conductors is a solid color... Applicant's admitted prior art teaches (on page 5 of the specification) the use of solid color and stripe of a color" (OA p. 3, item 3).

Claim 2

Claim 2 was rejected under 35 U.S.C 103(a) as unpatentable over Weeno and Noorily, as above, and further in view of admitted prior art.

Claim 2 includes the limitations of claim 1, and should be allowable. The prior art does not suggest or make obvious these features of claim 1. Applicant's invention provides a versatility that none of the references provide for visually accommodating the different types of cable in the same phone plate.

Claims 4, 9, 18, and 21

Claims 4, 9, 18, and 21 were rejected under 35 U.S.C. 103(a) as not patentable over applicant's admitted prior art, and further in view of Noorily.

With respect to claim 4, the Office Action states “Applicant’s admitted prior art discloses generally all that is claimed... Noorily discloses each conductor 21a – 21d bearing at least one solid color that is different from the solid colors of the other conductors...” (OA p. 4, item 4).

Applicant respectfully disagrees with this analysis. Claim 4 now states:

--- said wire conductors arranged in pairs and each having their first ends extending through said socket for connection to wires of a plug and their second ends connected to one of said junctions,
said insulated jackets of the wire conductors bearing colors that correspond to the colors of category 3 cable colors, and
the junctions bearing color identification that correspond to the colors of station wire.

Neither Applicant’s admitted prior art, nor Noorily disclose, teach, or suggest a configuration or the function provided by the configuration, of allowing expedient and accurate connection of different types of cable to the same plug receptacle. For at least these reasons, Applicant submits that claim 4 is patentable over the applied prior art.

Claim 9

Claim 9 should be in condition for allowance.

The Office Action indicates that claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant’s admitted prior art in view of Noorily. In response, Applicant has amended claim 9 to comply with the suggestion in the Office Action. More specifically claim 9 includes the verbiage of:

--- with the solid color conductors and color combination conductors matching the colors of the wires of the first cable,
said junctions each being identified by colors different from the colors of the other junctions and matching the colors of the second cable,
such that the wires of the first cable will be matched in color with the conductors and the wire of the second cable will be matched in color with the junctions.

Each conductor can be visually distinguished from the other conductors, with solid color conductors and color combination conductors matching the colors of the wires of the first cable, and the junctions each being identified by colors that are different from the colors of the other junctions and matching the colors of the second cable, such that the wires of the first cable will be matched in color with the conductors, and the wires of the second cables will be matched in color with the junctions. This is not taught by the references of record, either individually or in combination. Applicant further asserts that claim 9 is in condition for allowance.

Claim 13

The Office Action indicates that claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Noorily.

With respect to claim 13, the Office Action states "Applicant's admitted prior art discloses generally all that is claimed... Noorily discloses each conductor 21a – 21d bearing at least one solid color that is different from the solid colors of the other conductors..." (OA p. 4, item 4).

Applicant respectfully disagrees with this analysis. Claim 13 states in part:

--- each of said conductors bearing a different color or color combination than the other said conductors so that they are visually distinguishable from all of the others of said conductors, with the colors and color combinations of said conductors matching the colors and color combinations of the wires of category 3 and category 5 telephone cable, and

said junctions identified with colors of telephone station wire.

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The colors and color combinations of said conductors match the colors and color combinations of wires of *category 3 and category 5* telephone cable, *and* the junctions are

identified with colors of *telephone station wire*” Neither the Applicant’s admitted prior art, nor Norrily disclose conductors with color combinations of wires of *category 3 and category 5 telephone cable...* and junction colors of *telephone station wire.*” For at least this reason Applicant respectfully submits that claim 13 is patentable over Applicant’s admitted prior art, further in view of Noorily.

Claim 18

The Office Action further indicates that claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant’s admitted prior art in view of Noorily.

In response, Applicant has amended claim 18 to comply with the Office Action’s suggestion. Applicant has added the conductors each being visually marked with color identification corresponding to the colors of wires of category 3 and category 5 telephone cable so that the wires of the category 3 and category 5 cable can be visually matched with the conductors, and the junctions each being visually marked with color identification corresponding to the colors of the wires of the station wire cable so that the wires of the station wire cable can be visually matched with the junctions. Applicant further submits that claim 18 distinguishes over the references of record and claim 18 and its dependent claims 19-21 are in condition for allowance.

Claim 21

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant’s prior art in view of Noorily. With respect to claim 21, the Office Action states “Applicant’s admitted prior art discloses generally all that is claimed... Noorily

discloses each conductor 21a – 21d bearing at least one solid color that is different from the solid colors of the other conductors...” (OA p. 4, item 4).

Applicant respectfully disagrees with this analysis. Claim 21 states “... wherein said junctions are *screws*, and said *screws* each bear a different color that corresponds to a color of a wire of said second cable” (*emphasis added* – claim 21, line 2). Neither Applicant’s admitted prior art, nor Noorily disclose *screws* that bear a different color scheme that corresponds to a color of a wire of a second cable. For at least this reason, Applicant submits that claim 21 is patentable over Applicant’s admitted prior art, further in view of Noorily.

Claim 17

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant’s admitted prior art and Noorily as applied to claim 13 and further in view of U.S. patent number 6,161,278 to Easter (“*Easter*”). More specifically the Office Action states “Applicant’s admitted prior art as modified by Noorily does not disclose that the conductors bear the colors white and blue, white and orange, white and green, white and brown. *Ester et al.* teaches the use of color combination such as white and blue, white and orange, white and green, white and brown” (OA p. 4, item 5).

Applicant submits that telephone wire oftentimes follow the color scheme disclosed in *Easter*. Applicant’s specification confirms this, stating “Category 3 cable is available in two, three, or four pairs of wires... For example, a three pair category three cable has the following individual wire colors: pair one – blue, and white with blue stripe; pair two – orange, and white with an orange stripe...” (Spec. p. 5, line 11). Applicant, however asserts that “said *conductors* bear the colors blue, white and blue...” (*emphasis added* – claim 17, line 1). Because Applicant’s

admitted prior art and Noorily, further in view of Easter fail to disclose, teach, or suggest “conductors [that] bear the colors blue, white and blue...” Applicant submits claim 17 is in condition for allowance.

Claims 22-25

New claims 22-25 include the limitations of:

--- each said conductor being identified by a color that is different from the color of each of the other conductors so that each conductor can be visually distinguished from the other conductors, with the color of each conductor matching the color of one of the wires of the first cable,

each said junction being identified by a color that is different from the color of each of the other junctions so that each junction can be visually distinguished from the other junctions, with the color of each junction matching the color of one of the wires of the second cable,

such that the wires of the first cable will be matched in color with the color of the conductors and the wires of the second cable will be matched in color with the color of the junctions.

The prior art of record does not suggest or make obvious these features of the invention. The invention provides a convenience and expediency and accuracy not provided by the prior art. Claim 22 and its dependent claims should be allowable.

Dependent claims

The dependent claims should be in condition for allowance for at least the reason that these claims depend from allowable independent claims.. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

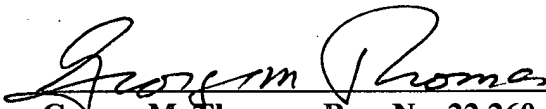
The remaining cited prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1, 2 and 4 - 25 are in condition for allowance.

Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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12/23/04

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